

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

JOSEPH M. KING,

Plaintiff,

v.

CITY OF PORTLAND, and
BRENT TAYLOR, personally,

Defendants.

No. 3:22-cv-00801-AR

ORDER

BAGGIO, District Judge:

On January 30, 2025, Magistrate Judge Jeff Armistead issued his Findings and Recommendation (F&R) (ECF 31), that recommended granting in part and denying in part Defendants’¹ motion to dismiss (ECF 26). Neither party filed objections. The Court adopts the F&R in full.

The magistrate judge makes only recommendations to the court, to which any party may file written objections. 28 U.S.C. §§ 636(b)(1)(B), (C). If a party objects, the court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendation to which objection is made.” *Id.* § 636(b)(1)(C). The court is not, however,

¹ Defendant Brent Taylor filed a notice of Joinder in Defendant City of Portland’s motion and reply in support on January 30, 2025. (ECF 30).

required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Ramos*, 65 F.4th 427, 433 (9th Cir. 2023). While the level of scrutiny that the court applies to its F&R review depends on whether a party has filed objections, the court is free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C); *see also Thomas*, 474 U.S. at 154.

Upon review, the Court agrees with Judge Armistead's recommendation and ADOPTS the F&R (ECF 31) in full. The Court DENIES Defendants' motion to dismiss (ECF 26) as to Plaintiff's First Amendment claims (Claims 1 and 2) and as to Plaintiff's Fourth Amendment *Monell* claim (Claim 4). The Court GRANTS Defendants' motion to dismiss Plaintiff's Fourteenth Amendment *Monell* claim (identified in the Second Amended Complaint as "Claim X") and dismisses this claim with leave to amend. The Court DENIES Defendants' alternative motion to strike portions of the Second Amended Complaint.

Any amended complaint must be filed within fourteen days of the date that this Order is filed.

IT IS SO ORDERED.

DATED this 24th day of February 2025.

Amy M. Baggio

AMY M. BAGGIO
United States District Judge